

# **EXHIBIT 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

***IN RE: CAPTURERX DATA BREACH  
LITIGATION***

Master File No. 5:21-cv-00523-OLG

THIS DOCUMENT RELATES TO:  
**ALL ACTIONS**

**DECLARATION OF CHRIS HOTCHKISS**

1. My name is CHRIS HOTCHKISS. I am competent to make a declaration, am over the age of 18 years of age, and have personal knowledge of the facts set out herein.

2. I am the CEO of NEC Networks d/b/a CaptureRx (“CaptureRx”). I have served in that position since 2021.

3. CaptureRx is not a large national or multinational company and has limited resources.

4. CaptureRx has a wasting insurance policy related to this case. The insurer is making a substantial contribution to the settlement but based on its policy limits – the amount covered is less than half of the total settlement.

5. CaptureRx faces demands for indemnity from numerous customers, that were also named as Defendants in the class action cases, that have and continue to put severe financial strain on the company.


6. CaptureRx’s owners are funding part of the settlement with their own money.

7. If the subject class action litigation does not settle, CaptureRx will strongly consider filing for bankruptcy.

I declare under penalty of perjury pursuant to the laws of the State of Texas that the foregoing is true and correct.

Executed on the 10 day of February (month) 2022 (year).

Chris Hutchings (Printed Name)

 (Signature)